Customer Information Note on BPA and Printing Inks for Food Contact Materials under Regulation (EU) 2024/3190

Background

On 19th of December 2024, the European Commission published Regulation (EU) 2024/3190 (amended by Regulation (EU) 2026/250) which forbids the use of BPA and its derivatives in the manufacture of food contact materials and articles. It entered into force on the 1st of January 2025 with a transition period of 18 months until the 20th of July 2026. In a recent opinion[1], the European Food Safety Authority (EFSA) established a new, very low tolerable daily intake (TDI) of 0.2 ng/kg bodyweight for BPA. However, there is currently no officially recognised method or standard to detect BPA at such low concentrations.

The use of BPA in food contact materials (FCM) has been under scrutiny for decades due to health concerns of dietary BPA exposure. As such, the whole packaging ink value chain has already pre-empted parts of the current requirements. BPA (or its derivatives) is not intentionally used in printing inks for food contact materials. Only raw materials, which are not based on BPA are used. **However, since BPA is ubiquitous, it cannot be completely avoided that residues can be present as impurity in certain raw materials.** One additional potential source of traces of Bisphenol A that would need to be explicitly mentioned, are the inner coating of containers either of raw materials delivered to printing ink manufacturers by suppliers or the ones used for finished product delivery. In many cases the protective internal coating is based on epoxy resins and thus BPA. Currently, there are not enough pails and drums using coatings without BPA on the market and since this already affects the storage and production of the raw materials, this is not under the control of the ink manufacturers.

Legal Situation

The Commission acknowledged that due to this ubiquitous nature of BPA residues may still be present in an FCM adventitiously and hence ***"the emphasis of Regulation (EU) 2024/3190 is on the use of BPA in the manufacture of certain FCMs, rather than on its presence."***[2] Therefore, compliance can be demonstrated by supporting documentation that BPA has not been used in the manufacture of the FCM.[3] The Commission Note for Guidance explicitly states that "*Regulation (EU) 2024/3190 does not make it obligatory to undertake analytical testing*."[4]

To be noted: The detection limit mentioned in the regulation of 1 ppb is only relevant in two cases of exempted intentional use of BPA, its derivatives or other bisphenols:

[1] https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2023.6857
[2] See Q24 of the Note for Guidance: EUR-Lex - 52025XC06721 - EN - EUR-Lex
[3] See Q20 of the Note for Guidance: "Article 3 of Regulation (EU) 2024/3190 prohibits the use of BPA in the manufacture of FCMs. In the first instance, supporting documentation that accompanies the DoC can demonstrate that BPA has not been used in the manufacture of the FCM, including, for example, a list of monomers or starting substances that have been used. In such situations, further verification of compliance by testing is at the discretion of the business operator"
[4] See Q21 of the Note for Guidance

1. Firstly, **if BPA is used (e.g. as monomer or starting substance)** following the exemption in Annex II**, the 1 ppb limit serves as a detection limit to prove that migration is not detectable**.
2. Secondly, **if another bisphenol (not BPA) or bisphenol derivative (e.g. BADGE)** is used according to article 4, **it serves as a limit to demonstrate that the FCM does not to contain any residual BPA**.[5]

Since neither BPA nor derivatives are used in printing inks for FCM, neither of these cases apply to printing inks and hence compliance to Regulation (EU) 2024/3190 has to be demonstrated by supporting documentation that states that BPA as not been intentionally used. Inevitable residual amounts do not lead to non-compliance.

What do EuPIA members do?

Residual amounts of BPA must be minimised. Because no validated method or standard is currently available to detect BPA at such low concentrations—and because even without being present in raw materials, BPA may still be introduced through background contamination—the ALARA ("as low as reasonably achievable") principle is applied. What does this mean in practice: In line with EuPIA concepts—such as strict GMP, careful raw material selection, and modern risk- assessment approaches—EuPIA members are committed to setting the highest standards for providing safe inks for FCM and to reduce residual BPA as far as possible. This also involves minimizing the potential transfer from the inner coatings of pails and drums. By their nature, BPA residues can migrate from the coating into the inks and raw materials. Exemplary investigations carried out by EuPIA member companies have shown that the extent of this transfer is minimal (well below 1ppb).

As stated previously compliance can be demonstrated by supporting documentation that BPA as such has not been used in the manufacture of the FCM.[6] Therefore, EuPIA members can make a statement on the intentional use of BPA in inks and related products. There is no testing obligation towards the 1 ppb detection limit. It needs to be reemphasized that it was not the intention of the Commission to have FCM components tested on BPA down to 1 ppb. Eventual findings in terms of **migration testing of the final FCM** above the 1 ppb limit need to be clarified with the individual packaging component suppliers (e.g. ink supplier) if a statement has been issued that BPA has not been intentionally used.

Situation in France

Notwithstanding the general applicability of Regulation (EU) 2024/3190, France enforces a supplementary national ban on BPA in FCM.[7] The French regulation in principle also applies to non-intentional use of BPA, however, in light of the parliamentary debates preceding the passage of the law and in the absence of regulatory provisions specifying permissible thresholds for the presence of BPA,

[5] See Q23 of the Note for Guidance

[6] This is also in line with the interpretation of the German Federal Ministry of Agriculture, Food and Regional Identity as communicated to the value chain in a letter on July 2025 (working translation)"…appropriate evidence must be kept to demonstrate conformity. Sufficient documentation is already required under the general provisions of food contact materials law, for example Regulation (EC) No 2023/2006. If no bisphenol A was used during manufacturing, this information should therefore already be available. Additional checks, such as laboratory tests, would in that case not be necessary. This applies in particular to food business operators, provided they have received a meaningful declaration of conformity confirming compliance with the ban on use. Bureaucratic effort is thus reduced to a minimum while safeguarding consumer health protection."

[7] loi n° 2010-729

the French government announced that official controls will focus on materials and articles in the manufacture of which bisphenol A has been intentionally used, including in the manufacture of printing inks, adhesives or varnishes that make up the finished product.[8] Thus, in practice, the scope is similar to the EU regulation.

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[8] See Mise en œuvre de la Loi bisphénol A (BPA) | economie.gouv.fr